

Remarks/Arguments

Applicant thanks the Examiner for Office Action mailed December 28, 2007. The status of the application is as follows:

- Claims 1-20 are pending;
- Claims 1-7 and 9-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Manzke et al. ("Automatic Phase Determination for Retrospectively Gated Cardiac CT," 22 November 2004, Med. Phys. 31 (12), pp. 3345-3362; and
- Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manzke et al. in view of Hsieh (US 6,529,575).

The rejections are discussed below.

The Rejection of Claims 1-7 and 9-19 under 102(a)

Claims 1-7 and 9-19 stand rejected under 35 U.S.C. §102(a) as being anticipated by Manzke et al. The Office Action notes that the applicant cannot rely on the benefit of the claim to foreign priority to overcome this rejection because a translation of the foreign priority document has not been made of record in accordance with 37 CFR 1.55.

Applicant, pursuant to 37 CFR 1.55, submits herewith a translation of the foreign priority document and a statement that the translation of the certified copy is accurate. The translation is in support of claim 1-20. Thus, applicant can now rely on the benefit of the claim to foreign priority for claims 1-7 and 9-19. As such, it is respectfully requested that this rejection of claims 1-7 and 9-19 be withdrawn as Manzke et al. is not 102(a) prior art for the subject application.

Application No. 10/596,150
Amdt. Dated: March 20, 2008
Reply to Office Action Dated: December 28, 2007

The Rejection of Claims 8 and 20 under 103(a)

Claims 8 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Manzke et al. in view of Hsieh. With respect to independent claim 8, the Office asserts that Manzke et al. teaches all the claim aspects except a computer readable medium encoded with a computer program. The Office relies on Hsieh to teach this missing aspect. Claim 20 depends from claim 8.

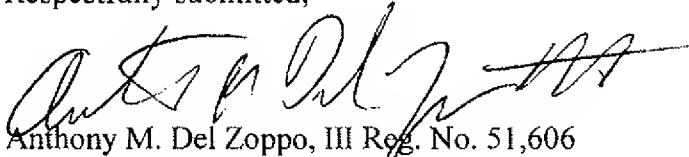
Again, the Office Action notes that the applicant cannot rely on the benefit of the claim to foreign priority to overcome this rejection because a translation of the foreign priority document has not been made of record in accordance with 37 CFR 1.55. As discussed *supra*, applicant submits herewith a translation of the foreign priority document and a statement that the translation of the certified copy is accurate, pursuant to 37 CFR 1.55. The translation is in support of claim 1-20. Thus, applicant can now rely on the benefit of the claim to foreign priority for claims 8 and 20. As such, it is respectfully requested that this rejection of claims 8 and 20 be withdrawn as Manzke et al. is not 103(a) prior art for the subject application.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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